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Catholic hospital under fire for saying fetuses aren't 'people'

by Bob Smietana by Religion News Service

A Catholic hospital in Colorado has argued in court documents that it is not liable for the deaths of twin 7-month-old fetuses because those fetuses are not people under state law.

So far, courts have sided with the hospital, but that defense contradicts Catholic teaching that human life is sacred from the moment of conception.

The issue of whether a fetus is a person was raised in a lawsuit filed by Jeremy Stodghill, whose 31-year-old wife, Lori, died in 2006 at St. Thomas More Hospital in Canon City, Colo.

Lori Stodghill was seven months pregnant with twins at the time. The suit claims the hospital failed to perform an emergency cesarean section to save the fetuses.

According to published reports, a brief filed by the hospital, owned by Englewood, Colo.-based Catholic Health Initiatives, said that the fetuses are not covered by state's Wrongful Death Act.

"Under Colorado law, a fetus is not a 'person' and plaintiff's claims for wrongful death must therefore be dismissed," the hospital argued.

A state district court and an appeals court agreed with the hospital. The case, originally filed in 2007, is currently on appeal to the Colorado Supreme Court.

Southern Baptist ethicist Richard Land said the hospital failed to live up to its pro-life principles. "There's a difference between being legal and being right," Land said. "Either a fetus is a person or it's not."

Catholic Health Initiatives, which runs 78 hospitals in 14 states, would not comment on the specifics on the lawsuit. But the organization said in a statement that it follows Catholic teaching.

"First and foremost, our heartfelt sympathies have always been with the Stodghill family as a result of these tragic circumstances," the statement said. "In this case, St. Thomas More, Centura Health and Catholic Health Initiatives, as Catholic organizations, are in union with the moral teachings of the Church."

The three Catholic bishops in Colorado said Thursday that they'd recently learned of the death of Lori Stodghill and her two unborn children and expressed their condolences.

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"We wish to extend our solidarity and sympathy to Lori's husband, Jeremy, and her daughter, Elizabeth. Please be assured of our ongoing prayers," said Archbishop Samuel Aquila of Denver, Bishop Michael Sheridan of Colorado Springs, and Bishop Fernando Isern of Pueblo in a statement.

The bishops said they could not comment on ongoing legal disputes. But they said they will review the litigation and policies of Catholic Health Initiatives to ensure they conform with Catholic teaching.

"Catholics and Catholic institutions have the duty to protect and foster human life, and to witness to the dignity of the human person -- particularly to the dignity of the unborn," the bishops said. "No Catholic institution may legitimately work to undermine fundamental human dignity."

News about the suit comes at an awkward time for Catholic leaders who oppose abortion.

Many will take part in the annual March for Life in Washington, D.C., on Friday. As many as 10,000 people were expected to attend the Opening Mass of the National Prayer Vigil for Life in Washington on Thursday night.

Catholic dioceses in Tennessee, New York, and Pennsylvania are also suing the federal government over the contraceptive mandate for employers. Those Catholic groups say the mandate violates their religious beliefs about the sanctity of life.

In 2010, St. Joseph's Hospital and Medical Center in Phoenix lost its standing as a Catholic hospital after doctors there performed an abortion they believed was needed to save a mother's life. Bishop Thomas Olmsted of Phoenix said the hospital should have followed Catholic teaching, which bans any direct abortion.

Amy Haddad, director of the Center for Health Policy and Ethics at Jesuit-run Creighton University in Omaha, Neb., said that in the Phoenix case, church leaders said there was no room for compromising Catholic teaching.

In Colorado, another hospital seems to be ignoring church teaching as well, she said.

"That inconsistency is morally troubling," she said. "It demands more of an explanation than the letter of the law."

The Colorado lawsuit isn't the first time that a Catholic hospital has argued that it is not liable for the

death of a fetus. In 1996, the Florida Supreme Court ruled that a mother could not sue St. Vincent's Medical Center of Jacksonville over the death of her unborn child.

William Kuntz, St. Vincent's trial attorney, defended the hospital's stance at the time.

"We've never contended that a fetus is not a person," Kuntz told the *Orlando Sentinel* in 1996. "We've always said that an unborn person does not have the right to bring a lawsuit in Florida."

[Bob Smietana writes for *USA Today* and *The Tennessean* in Nashville, Tenn.]

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